

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
10

11 LINDA KNIGHTEN,
12 Plaintiff,

13 v.

14 OMNI HOTEL,
15 Defendant.
16

Case No. 12-cv-02296 CW (NC)

**ORDER RE: DISCOVERY
DISPUTE**

Re: Dkt. No. 26

17 The parties filed a joint discovery brief in which Omni seeks an order requiring
18 plaintiff to submit to a mental examination under Federal Rule of Civil Procedure 35. Dkt.
19 No. 26. The Court held a hearing on the discovery dispute on April 17, 2013. Based on the
20 parties' submissions and the arguments of counsel at the hearing, the Court orders as
21 follows:

22 1. The Court finds that plaintiff has placed her mental condition in controversy,
23 and that good cause exists for permitting a mental examination of plaintiff, limited in time
24 and scope as specified below. *See Schlagenhauf v. Holder*, 379 U.S. 104, 117-21 (1964).

25 2. Plaintiff must submit to a mental examination by George W. Woods, Jr., M.D.
26 The examination must take place on a mutually agreed day within 30 days of the date of this
27 order at the office of Dr. Woods in San Francisco, beginning at 9:00 a.m. and not exceeding
28 three hours (not including any appropriate breaks).

Case No. 12-cv-02296 CW (NC)
ORDER RE: DISCOVERY DISPUTE

5. Omni's counsel must arrange for the examination to be audiotaped and for a copy of the audiotape to be provided to plaintiff's counsel within 14 days of the examination. The examination must not be videotaped.

7. Omni's counsel must provide plaintiff's counsel with a copy of the examination results within 14 days of the examination.

Any party may object to this nondispositive pretrial order within 14 days of the filing date of this order. See Civ. L.R. 72-2.

Date: April 18, 2013

Case No. 12-cv-02296 CW (NC)
ORDER RE: DISCOVERY DISPUTE